

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARUNAN SIVALINGAM, M.D.	:	CIVIL ACTION
	:	
v.	:	
	:	
UNUM LIFE INSURANCE COMPANY OF	:	
AMERICA	:	NO. 09-4702

ORDER

AND NOW, this 26th day of April, 2010, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant Unum Life Insurance Company of America for summary judgment on Counts I, II, and III of the complaint of plaintiff Arunan Sivalingam is DENIED;

(2) the motion of plaintiff Arunan Sivalingam for summary judgment on Counts I, II, and III of the complaint is GRANTED in that the court declares that defendant Unum Life Insurance Company of America acted arbitrarily and capriciously in terminating plaintiff's disability benefits as of January 11, 2004;

(3) the motion of plaintiff Arunan Sivalingam for summary judgment is DENIED in all other respects;

(4) the motion of defendant Unum Life Insurance Company of American for summary judgment on its counterclaim against plaintiff Arunan Sivalingam is DENIED; and

(5) the motion of defendant Unum Life Insurance Company of America to strike plaintiff's reply brief or, alternatively, to strike portions of the reply brief that exceed the court's page limitation, including newly raised arguments is DENIED.

BY THE COURT:

/s/ Harvey Bartle III
C.J.